

**REMARKS****Special Circumstances**

The Examiner asked applicant to point out any material information from the co-pending applications listed as parents to the instant application if the criteria for materiality applies and if the examination record provides reason for applicant to believe that the Examiner has not considered such information. Applicant is uncertain what the Examiner is requesting. Applicant has previously identified the applications and believes that identification satisfies its duty of disclosure. Nevertheless, in an attempt to respond to the request, applicant has attached to the end of this document as "Attachment 1" a list of its patent applications and its one Taiwanese patent (the list does not include the national phase filings of the listed PCT application). None of the listed applications have yet issued as patents. The Examiner is requested to inform applicant if further information concerning any of these applications is needed.

**Double Patenting**

The Examiner stated: "It should be noted that for the purpose of this office action the below rejections under 35 U.S.C. 101 (double patenting) are being made under the assumption that the applications were not commonly owned at the time of applicant's invention." (Office Action, 2.) Applicant is uncertain what the Examiner means by this statement. The double patenting rejections set forth in the Office Action were made under the judicially created doctrine of obviousness-type double patenting, not under 35 U.S.C. 101, so applicant does not understand why reference was made to that statute. Additionally, as far as applicant is aware, obviousness-type double patenting rejections are made between commonly owned applications so applicant does not understand why

the assumption was made that the applications were not commonly owned. The Examiner is requested to inform applicant if further information concerning these points is needed.

The Examiner further stated: "Additionally, it should be noted that the below double patenting rejections are based upon known and available co-pending applications and although it is believed that all appropriate rejections have been made, Applicant's help in determining all appropriate double patenting rejections with all of Applicant's applications is requested because of the large number of similar applications." (Office Action, 2.) Applicant is uncertain what help the Examiner is requesting. To the extent the Examiner is asking for identification of applicant's co-pending applications, then, as stated above, applicant has attached to the end of this document a list of its patent applications and its one Taiwanese patent. Additionally, to the extent that applicant is aware of any double patenting issue, applicant will take some action to address or defer the issue, such as by amending or canceling claims, by traversing the rejection, by filing a terminal disclaimer, or by taking some other action. The Examiner is requested to inform applicant if further information concerning this issue is needed.

The Examiner made a number of provisional obviousness-type double patenting rejections. Applicant believes those rejections are overcome by the claim amendments set forth above.

**Statement Under 37 CFR 1.78(c)**

The Examiner required applicant under 35 USC §103(c) and 37 CFR 1.78(c) to state whether the inventions claimed in the applications cited as the bases for the double patenting rejections were commonly owned at the time the invention claimed in the present application was made. In response, SD3, LLC states that the inventions claimed in the present application and in the co-pending applications cited by the Examiner were commonly owned or subject to an obligation of assignment to SD3, LLC at the time each later invention was made. The undersigned is authorized to make this statement on behalf of SD3, LLC. By making this statement applicant does not concede that the cited claims are conflicting claims or that the double patenting rejections are proper.

**Claim Rejections – 35 USC §102(f)**

The Examiner rejected claims 1, 2, 5-7 and 20 under 35 U.S.C. §102(f) by saying applicant did not invent the claimed subject matter. Specifically, the Examiner said, "It is not clear who actually invented the subject matter of claims 1, 2, 5-7 and 20 because each of the above co-pending applications [referring to the co-pending applications cited to support the double patenting rejections] have different inventive entities." (Office Action, 22.) This rejection is traversed.

The inventors named in the present application are the inventors of the subject matter claimed in the present application. Multiple individuals are named as inventors because each individual made a contribution to the subject matter of at least one claim of the application, even though each individual may not have made the same type or amount of contribution and even though each individual may not have made a

contribution to the subject matter of every claim in the application. Different inventive entities are named in a number of the co-pending applications cited by the Examiner because other individuals made contributions to the subject matter of at least one claim of each such application. The fact that inventive entities may be different in various applications does not mean that inventorship is incorrect in the present application. Often applications with overlapping subject matter but with additional disclosures and differing sets of claims have different inventive entities. That is the situation here. The present application and the co-pending applications cited by the Examiner have disclosures and claims that differ and that require the naming of different inventive entities. Thus, there is no inconsistency in inventorship and applicant requests the rejection under 35 U.S.C. 102(f) be withdrawn.

**Claim Rejections – 35 USC §103**

The Examiner rejected claims 1, 2 and 20 under 35 U.S.C. §103(a) as obvious in light of U.S. Patent No. 5,285,708 to Bosten et al. in view of U.S. Patent No. 3,785,230 to Lokey. That rejection is traversed because the cited references fail to show all the limitations of the claims and because there is no teaching, suggestion or motivation to combine Bosten and Lokey. In fact, modifying a miter saw as shown in Bosten to include a brake as shown in Lokey would result in a saw potentially more dangerous because the brake would cause the blade to move toward the base of the saw when the brake stopped the blade. Nevertheless, applicant has cancelled claim 2 without prejudice and amended claims 1 and 20 to more particularly point out the subject matter for which protection is sought in this application. The amended claims are not obvious in light of the cited references because they include limitations not found in the references

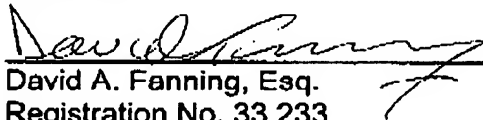
and because there is no teaching, suggestion or motivation to combine the references as set forth in the amended claims.

The Examiner rejected claims 5-7 under 35 U.S.C. §103(a) as obvious in light of Bosten in view of Lokey, U.S. Patent No. 3,695,116 to Baur and U.S. Patent No. 5,606,889 to Bielinski. That rejection is also traversed because there is no teaching, suggestion or motivation to combine the cited references and because the cited references fail to show all the limitations of the claims. Nevertheless, applicant has cancelled claim 6 without prejudice and amended claims 5 and 7 to more particularly point out the subject matter for which protection is sought in this application. The amended claims depend from claim 1 and are not obvious for the same reasons as claim 1 and because they include additional limitations not found in the cited references.

The Examiner is invited to telephone the undersigned if there are any questions.

Respectfully submitted,

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